THE JAMMU AND KASHMIR REORGANISATION ACT, 2019.

Qno1. What do you mean by the Jammu and Kashmir Reorganisation Act, 2019?

Ans: The Jammu and Kashmir Reorganisation Act, 2019 is an act which got passed in the Parliament of India on 6th August 2019. President of India assented it for implementation on 9th August 2019. Under this act the erstwhile Jammu and Kashmir was bifurcated into two Union Territories. Ladakh became one union territory and Jammu and Kashmir became another union territory. Under this Act, the Central Government has total control and power of administration over both Union Territories. The Act came into effect on 31st October 2019.

Qno2. What is an Instrument of Accession?

Ans: Instrument of Accession is a legal document through which the Jammu and Kashmir state was incorporated with the Union of India. The Instrument of Accession in short form is also called as IOA. It was signed by the then Maharaja Hari Singh and the then Governor General of India, Lord Mountbatten on 26th & 27th October, 1947. Because Maharaja Hari Singh has put his signature on the Instrument of Accession on 26th October and Lord Mountbatten signed it on 27th October. It was through this Instrument of Accession, Jammu and Kashmir State was incorporated with the Union of India but with a condition that the Government of India can make laws only in certain cases like Defence, Communication and External Affairs. Thus, Maharaja Hari Singh handed this Instrument of Accession to Lord Mountbatten ending the saga of the remarkable 100 years of Dogra Rule.

Qno3. Write a short note on Article 370.

Ans: Article 370, along with article 35A, defined that the residents of J&K State shall reside under a separate set of laws, including those related to Citizenship, Ownership of Property and Fundamental Rights as compared to the residents of other States. Article 370 was incorporated in the constitution of India. Under IOA and gave special status to J&K conferring it with certain powers like

I. Separate constitution,

II. State flag,

III. Autonomy over the internal administration of the state,

IV. Article 238 of Indian Constitution was not applicable to the State of Jammu and Kashmir whereas it was applicable to all other States of India.

Qno4. Write a short note on Article 35A.

Ans: Article 35A of the Indian Constitution was an article that empowered the J&K State legislature to define the status of permanent residents of the State. The Constitutional safeguards provided under Article 35A were in continuance of the special privileges granted to the residents of Jammu and Kashmir under hereditary State Subject Order of 1927 passed by Maharaja Hari Singh. The Article was incorporated in the Constitution of India through a presidential order "The constitution order (Application to J&K) 1954, issued by the President of India on 14 May 1954 under article 370. The J&K Reorganization Act of 2019

came into effect on 31st of October, 2019and thereupon superseded the Constitution (application to J&K) order, 1954 as amended from time to time.

Qno5. What are the provisions of the Jammu and Kashmir Reorganization Act, 2019.

Ans: The Jammu and Kashmir Reorganisation Act, 2019 is an act which got passed in the Parliament of India on 6th August 2019 after the assent of the President of India which led to the bifurcation of the erstwhile state of Jammu and Kashmir into two Union Territories. The provisions of the Jammu and Kashmir Reorganization Act, 2019 are as under:

1. Formation of Union Territory of Ladakh: There shall be formed a new territory to be known as the Union Territory of Ladakh comprising the territory of Kargil and Leh Districts of the erstwhile State of Jammu and Kashmir and thereupon the territory shall cease to be a part of Jammu and Kashmir. It came into being on 31st of October 2019. The UT of Ladakh will be without legislature and under the direct control of President of India and shall be administered through a lieutenant Governor.

2. Formation of Union Territory of Jammu & Kashmir: New Union territory known as the U.T of Jammu and Kashmir, comprising the territory of the existing State of J&K other than the Kargil & Leh Districts. It came into being, on 31st of October 2019. The UT of J&K shall have a legislative Assembly and shall be under the direct control of president of India administered through a Lieutenant Governor. The J&K U.T shall have Ministerial Council consisting of 8 ministers headed by Chief Minister. There shall be no Legislative Council for the Union Territory of J & K.

3. Reservation: There shall be reservation for scheduled castes, scheduled tribes, OBCs and others as per Central Government’s Rules in both the Union Territories.

4. Application of Central Laws: All the Central laws shall now be applicable to both J&K and Ladakh U.Ts. 106 central laws shall become applicable with immediate effect.

5. Common High Court for both Union Territories: The High Court of J & K shall function as the high court for both the U.Ts.